

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

In re: Tammarawa Wright Leverett,

Debtor.

Chapter 13

Case No. 11-58196

Judge: RANDON

**MOTION TO ALLOW ENTRY OF ORDER AUTHORIZING THE TRUSTEE TO PAY
LATE-FILED CLAIMS FILED BY THE MICHIGAN DEPARTMENT OF HUMAN SERVICES,
CLAIM #20-1, AND THE MICHIGAN DEPARTMENT OF EDUCATION, CLAIM #21-1**

NOW COMES TAMMARAWA LEVERETT, the Debtor herein, by and through the Debtor's Attorneys, Kostopoulos & Associates, PLLC, and in support of her Motion to Allow Entry of Order Authorizing the Trustee to Pay late-filed Claims filed by the Michigan Department of Human Services, Claim #20-1, and the Michigan Department of Education, Claim #21-1, states as follows:

1. Debtor filed a Chapter 13 voluntary petition on June 30, 2011.
2. Debtor's Chapter 13 Plan was confirmed on or about October 29, 2011.
3. The deadline for filing a proof of claim in this case has already passed.
4. In November 2011, the Debtor was assessed a total liability of \$22,672.26 based on pre-petition overissuance of benefits provided by the State of Michigan's Food Assistance Program (FAP) and the Child Development and Care program (CDC).
5. In resolution of the proof of claim #20-1 filed by the Michigan Department of Human Services and the proof of claim #21-1 filed by the Michigan Department of Education, (aggregately "the State"), the assessed liability owed to the State shall, nevertheless, *not* be paid according to said claims.
6. Debtor's Counsel and the State had stipulated and agreed that the debts owed to the Michigan Department of Human Services and the Michigan Department of Education shall total \$12,000 *before* application of \$584.00 credit to *each* department; the post-petition offset funds are currently held by the State.
7. Pursuant to 11 U.S.C. § 1322(a)(4), Debtor moves to allow the late-filed claims as follows: the liability owed to the Michigan Department of Human Services, claim #20-1, and the liability to the Michigan Department of Education, claim #21-1, to be paid as priority claims at 0% interest during the remainder of Debtor's Chapter 13 Plan.
8. Counsel and the State agreed that the liability owed to the Michigan Department of Human Services, claim #20-1, shall be paid as a priority claim not to exceed the after-credit amount of \$3,672.40 during the remainder of Debtor's Chapter 13 Plan.

9. Furthermore, Counsel and the State agreed that the liability owed to the Michigan Department of Education, claim #21-1, shall be paid as a priority claim not to exceed the after-credit amount of \$7,159.60 during the remainder of Debtor's Chapter 13 Plan.
10. To the extent that these newly agreed upon amounts are not paid the above-mentioned \$3,672.40 and \$7,159.60 during the pendency of the Debtor's Chapter 13 case, the remaining balance shall be exempted from any discharge entered in this case but it shall not revert to the proof of claims' amounts, and shall be paid pursuant to this Order (Exhibit 1).
11. Debtor's Counsel has had extensive discussions with the State about these liabilities and the State concurs and consents to the treatment and modification of these liabilities in this Chapter 13 Plan and after its discharge or dismissal.
12. A proposed Order is attached to this Motion as Exhibit 1.
13. A Notice of Motion is attached to this Motion as Exhibit 2.

WHEREFORE, Debtor respectfully requests that this Honorable Court grant her Motion to Allow Entry of Order Authorizing the Trustee to Pay late-filed Claims filed by the Michigan Department of Human Services, Claim #20-1, and the Michigan Department of Education, Claim #21-1.

Respectfully submitted,

Dated: July 31, 2014

/s/ Toni Valchanov
Kostopoulos & Associates PLLC
A. Rita Kostopoulos (P63178)
Steven Zeer (P71196)
Heather Burnard (P66321)
Toni Valchanov (P75398)
Attorney for the Debtor(s)
30800 Van Dyke, Suite 204
Warren, MI 48093
586-574-0916
law@kostopouloslawyers.com

United States Bankruptcy Court
Eastern District of Michigan

In re Tammarawa Wright Leverett

Case No. 11-58196

Debtor

Address Tammarawa Wright Leverett, 18205 Lincoln Drive Southfield,
MI 48076-4559

Chapter 13

Last four digits of Social Security or Individual
Tax-payer Identification (ITIN) No(s), (if any): xxx-xx-7427

Employer's Tax Identification (EIN) No(s). (if
any): _____

NOTICE OF MOTION FOR ENTRY OF ORDER ALLOWING DEBTORS TO INCUR DEBT NUNC PRO TUNC

Tammarawa Leverett has filed papers with the court to incur debt.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the motion, or if you want the court to consider your view on the motion, **within 14 days**, you or your attorney must:

1. File with the court a written response or an answer, that complies with F.R. Civ. P. 8(b),(c) and (e), explaining your position at:

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Kostopoulos and Associates, PLLC, 30800 Van Dyke, Ste. 204, Warren, MI 48093
Chapter 13 Trustee: Krispen S. Carroll, 719 Griswold, 1100 Dime building, Detroit, MI 48226
Tammarawa Wright Leverett, 18205 Lincoln Drive Southfield, MI 48076-4559

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date July 31, 2014

Signature /s/ Toni Valchanov

Name Toni Valchanov P75398

Address Kostopoulos and Associates, PLLC
30800 Van Dyke, Ste. 204
Warren, MI 48093
586-574-0916
law@kostopouloslawyers.com

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

In re: Tammarawa Wright Leverett,

Debtor.

Chapter 13

Case No. 11-58196

Judge: RANDON

**ORDER AUTHORIZING THE TRUSTEE TO PAY LATE-FILED CLAIMS
FILED BY THE MICHIGAN DEPARTMENT OF HUMAN SERVICES, CLAIM #20-1,
AND THE MICHIGAN DEPARTMENT OF EDUCATION, CLAIM #21-1**

The above named Debtor, through her Counsel Kostopoulos and Associates, PLLC, the Michigan Department of Attorney General, and the Chapter 13 Standing Trustee hereby stipulate to the following Order:

IT IS HEREBY ORDERED that:

1. The liability owed to the Michigan Department of Human Services, claim #20-1, shall be paid by the Chapter 13 Standing Trustee as a priority claim not to exceed the after-credit amount of \$3,672.40 during the remainder of Debtor's Chapter 13 Plan.
2. The liability owed to the Michigan Department of Education, claim #21-1, shall be paid by the Chapter 13 Standing Trustee as a priority claim not to exceed the after-credit amount of \$7,159.60 during the remainder of Debtor's Chapter 13 Plan.
3. The Michigan Department of Human Services and the Michigan Department of Education shall *each* be allowed to credit \$584.00 of post-petition offset funds towards each department's respective allowed priority claim.
4. To the extent that these newly agreed upon amounts are not paid the \$3,672.40 and the \$7,159.60 during the pendency of the Debtor's Chapter 13 case, the remaining balance shall be exempted from any discharge entered in this case but it shall not revert to the proof of claims' amounts, and shall be paid pursuant to this Order

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

In re: Tammarawa Wright Leverett,

Debtor.

_____ /

**Chapter 13
Case No. 11-58196
Judge: RANDON**

CERTIFICATE OF SERVICE

Toni Valchanov under penalty of contempt of court, states that on 8/1/14, he served MOTION TO ALLOW ENTRY OF ORDER AUTHORIZING THE TRUSTEE TO PAY LATE-FILED CLAIMS FILED BY THE MICHIGAN DEPARTMENT OF HUMAN SERVICES, CLAIM #20-1, AND THE MICHIGAN DEPARTMENT OF EDUCATION, CLAIM #21-1, EXHIBITS 1, 2, 3, 4, in said case with the Clerk of the Court using the E.C.F. system which will send notification of such filing to the following parties:

TRUSTEE: KRISPEN CARROLL: notice@det13ksc.com

/s/ Toni Valchanov
Kostopoulos & Associates PLLC
A. Rita Kostopoulos (P63178)
Steven Zeer (P71196)
Heather Burnard (P66321)
Toni Valchanov (P75398)
Attorney for the Debtor(s)
30800 Van Dyke, Suite 204
Warren, MI 48093
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and Toni Valchanov under penalty of contempt of court, states that on 8/1/14, he served MOTION TO ALLOW ENTRY OF ORDER AUTHORIZING THE TRUSTEE TO PAY LATE-FILED CLAIMS FILED BY THE MICHIGAN DEPARTMENT OF HUMAN SERVICES, CLAIM #20-1, AND THE MICHIGAN DEPARTMENT OF EDUCATION, CLAIM #21-1, EXHIBITS 1, 2, 3, 4, and this CERTIFICATE OF SERVICE by depositing said copies in the U.S. Mail, postage prepaid, properly addressed as follows:

CREDITORS: All Creditors on the Attached P.A.C.E.R. Matrix

/s/ Toni Valchanov
Kostopoulos & Associates PLLC
A. Rita Kostopoulos (P63178)
Steven Zeer (P71196)
Heather Burnard (P66321)
Toni Valchanov (P75398)
Attorney for the Debtor(s)
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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TRUSTEE: KRISPEN CARROLL: notice@det13ksc.com

/s/ Toni Valchanov
Kostopoulos & Associates PLLC
A. Rita Kostopoulos (P63178)
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and Toni Valchanov under penalty of contempt of court, states that on 8/1/14, he served MOTION TO ALLOW ENTRY OF ORDER AUTHORIZING THE TRUSTEE TO PAY LATE-FILED CLAIMS FILED BY THE MICHIGAN DEPARTMENT OF HUMAN SERVICES, CLAIM #20-1, AND THE MICHIGAN DEPARTMENT OF EDUCATION, CLAIM #21-1, EXHIBITS 1, 2, 3, 4, and this CERTIFICATE OF SERVICE by depositing said copies in the U.S. Mail, postage prepaid, properly addressed as follows:

CREDITORS: All Creditors on the Attached P.A.C.E.R. Matrix

/s/ Toni Valchanov
Kostopoulos & Associates PLLC
A. Rita Kostopoulos (P63178)
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**UNITED STATES BANKRUPTCY COURT
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IN RE:

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Chapter 13

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Judge: RANDON

**CERTIFICATE OF NON-RESPONSE TO DEBTOR'S MOTION TO ALLOW ENTRY OF ORDER
AUTHORIZING THE TRUSTEE TO PAY LATE-FILED CLAIMS FILED BY THE MICHIGAN
DEPARTMENT OF HUMAN SERVICES, CLAIM #20-1, AND THE MICHIGAN DEPARTMENT OF
EDUCATION, CLAIM #21-1**

Toni Valchanov hereby certifies that I am one of the attorneys for the above named Debtor; notices were mailed out to the creditors, Debtor, and Chapter 13 Trustee on _____, regarding the Motion to Allow Entry of Order Authorizing the Trustee to Pay late-filed Claims filed by the Michigan Department of Human Services, Claim #20-1, and the Michigan Department of Education, Claim #21-1, and no objections have been properly filed with the Court.

Under penalty of contempt of court, I declare that the statements above are true to the best of my information, knowledge and belief.

Dated:_____

/s/ Toni Valchanov
Kostopoulos & Associates PLLC
A. Rita Kostopoulos (P63178)
Steven Zeer (P71196)
Heather Burnard (P66321)
Toni Valchanov (P75398)
Attorney for the Debtor(s)
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Chapter 13
Case No. 11-58196
Judge: RANDON

CERTIFICATE OF SERVICE

Toni Valchanov, under penalty of contempt of court, hereby certifies that on _____ he served **Certificate of Non-Response to Motion to Allow Entry of Order Authorizing the Trustee to Pay late-filed Claims filed by the Michigan Department of Human Services, Claim #20-1, and the Michigan Department of Education, Claim #21-1 and Certificate of Service of same**, in said case upon the following party via the E.C.F. system, which will provide electronic notice to the following:

TRUSTEE: KRISPEN CARROLL: notice@det13ksc.com

/s/ Toni Valchanov
Kostopoulos & Associates PLLC
A. Rita Kostopoulos (P63178)
Steven Zeer (P71196)
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